

// A special meeting of the Council of the City of Lynchburg, recessed from July 1, was held on the 13th day of July, 2004, at 2:00 P.M., Second Floor Training Room, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Gillette, Helgeson, Seiffert, Hutcherson 5

Absent: Foster, Johnson 2

// Lynch's Landing Executive Director Terri Proffitt provided an overview regarding a Mural Arts Program, explaining that the goals of the program are (1) to develop resources to ensure that Downtown is the cultural center of the region, (2) to create high-quality public art that increases visitor and tourism activity Downtown in support of local businesses, (3) to improve the pedestrian experience so that visitors are more likely to walk in the Downtown area, and (4) to create a visually interesting Downtown that ensures a destination for visitors. Ms. Proffitt provided a rendering of the first wall mural that has been designed for the Lynchburg Redevelopment and Housing Authority Building on Commerce Street. Ms. Proffitt noted that the mural, called "Hands of Service", will be in memory of Bev Cosby and pay homage to the positive impact volunteers have had in meeting the needs in the community. In response to Council questioning, Ms. Proffitt explained that Lynch's Landing is seeking feedback and not approval from City Council regarding the program. Council Member Seiffert reminded Council members regarding a recent controversy regarding the artwork in the Monument Terrace and Circuit Court Buildings and suggested that City Council may either want to approve the designs or consider appointing an Art Commission to approve the designs of future murals. Following discussion, City Council expressed endorsement for the program.

// City Manager Kimball Payne explained that the Option Agreement that Dance Theatre of Lynchburg entered into with the City to purchase 722 Commerce Street for \$40,000 expired on November 10, 2003. Mr. Payne stated that the City Attorney forwarded a letter to the Dance Theatre in October 2003 advising them of the pending expiration of the option and to remind them that they needed to take the necessary steps to exercise the option to purchase prior to November 10. Mr. Payne went on to say that a May 28 letter from the Dance Theatre Board of Directors requested a \$20,000 reduction in price for the building in order to allow them to direct more funds to scholarships and financial aid, and although not specifically requested in the letter, continuing discussion of the pending sale would require an extension of the Option Agreement. Mr. Payne did note that Dance Theatre has completed significant renovations to the building that has increased the value of the property, which is currently assessed at \$155,600, and that they have occupied the building rent free since 2000. In response to Council questioning, Mr. Keith Lee, Dance Theatre of Lynchburg, explained that they decided to wait until after the City's budget process before approaching City Council regarding the \$20,000 reduction request. Mr. Lee went on to say that no municipal funds were used in the restoration of the building. Council Member Helgeson stated that since the option expired in November, the City did not have to honor the agreement and could in fact offer the property for sale at fair market value. Council Member Helgeson went on to say that Dance Theatre

should have been paying rent for use of the facilities since the November expiration of the Option Agreement. Council Member Helgeson also noted that since the option has expired, that as stewards of the City's assets, it would be remiss of City Council to lower the price to \$20,000 when the property is valued at \$155,600. In response to Council Member Gillette's question, Mr. Lee explained that the \$20,000 reduction in price would help the Dance Theatre to grow and assist more young people. City Manager Kimball Payne outlined several options that were available to City Council. Several Council Members spoke in support of extending the option for one year to recognize the positive impact and importance of the Dance Theatre to Downtown and the extensive renovations that they have made to the building. Council Member Gillette made a motion to extend the option agreement for one year or until July 1, 2005, to allow time for Dance Theatre of Lynchburg to purchase 722 Commerce Street for the sum of \$40,000, recognizing that this extension would be considered as an additional investment from the City to the Dance Theatre. The motion was seconded by Mayor Hutcherson. Council Member Helgeson made a substitute motion, seconded by Council Member Seiffert, to extend the option agreement until November 2004 with terms to be decided by City Council, and Council by the following recorded vote defeated the substitute motion:

Ayes: Helgeson, Seiffert	2
Noes: Dodson, Gillette, Hutcherson	3
Absent: Foster, Johnson	2

The vote was called on the original motion, and Council by the following recorded vote agreed to extend the option agreement for one year or until July 1, 2005, to allow time for Dance Theatre of Lynchburg to purchase 722 Commerce Street for the sum of \$40,000:

Ayes: Dodson, Gillette, Seiffert, Hutcherson	4
Noes: Helgeson	1
Absent: Foster, Johnson	2

// Parks & Recreation Director Kay Frazier along with Andy Reeder and Charles Grant provided an overview regarding the Point of Honor Bridge Project explaining that the bridge would provide access from the Blackwater Creek Bikeway Trail to Point of Honor. Ms. Frazier stated that staff is recommending Option B and that the additional \$167,390 needed for the project be taken via reallocation of funds in the FY2004 City Capital Budget from the Atherholt Road to the Point of Honor Bridge project. Council Member Helgeson expressed concern that taking the funds from the Atherholt Road project might delay that project, and also that there were more critical projects that those funds could be used for instead of a bike path bridge. City Manager Kimball Payne explained that he found out this week that the City will be receiving approximately \$100,000 from the closeout of the Kemper Street Station project, and that City Council could use those funds to help fund this project. Mr. Payne also noted that the Atherholt Road project is not an active project at this time. Some Council Members noted that the bridge would provide a vital connection to Point of Honor from the Downtown area. On motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote approved the \$167,390

additional funding for the Point of Honor Bridge project, i.e., \$100,000 via the closeout of the Kemper Street Station Project and \$67,390 via reallocation from the Atherholt Road Extension project:

Ayes: Dodson, Gillette, Seiffert, Hutcherson	4
Noes: Helgeson	1
Absent: Foster, Johnson	2

// City Manager Kimball Payne along with Lynch's Landing Executive Director Terri Proffitt and Community Planning Director Rachel Flynn provided an overview regarding the possible conversion of Main and Church Streets to two-way traffic. Mr. Payne explained that Downtown merchants are interested in converting Main and Church Streets to two-way traffic because they believe that it would maximize their exposure to motorists, slow down traffic, reduce confusion and travel distance, and improve access. Mr. Payne went on to say that support for the conversion is mixed, but that everyone agrees that further information is needed before an informed decision can be made regarding the conversion of Main and Church Streets to two-way traffic. Mr. Payne informed that traffic consultant Walter Kulash has submitted a proposal for a conceptual plan and technical support for the conversion of one-way traffic flow to two-way flow on Main and Church Streets at a cost of \$15,000. Mr. Payne asked for City Council approval to contract with Mr. Kulash to conduct the first phase of study at a cost of \$15,000, to be funded from the capital appropriation for downtown improvements. Several Council Members agreed with the need for further information before making a decision regarding the conversion to two-way traffic on Main and Church Streets. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote authorized the hiring of a traffic consultant to study the possible conversion of Main and Church Streets to two-way traffic at a cost of \$15,000, to be funded from the capital appropriation for downtown improvements:

Ayes: Dodson, Gillette, Seiffert, Hutcherson	4
Noes: Helgeson	1
Absent: Foster, Johnson	2

// City Manager Kimball Payne informed that planning is underway for City Council's annual retreat scheduled for the afternoon of August 24 and the morning of August 25. Mr. Payne provided a list of potential agenda items and asked if there were any other items that City Council would like to add to the agenda for discussion. Council Members suggested having a discussion regarding City employees appearing before City Council, whether or not a formal interview process is needed for School Board candidates, Fire Department compensation, and City Council's philosophy regarding funding of non-profits. // During roll call, Council Member Helgeson informed of weeds growing over the guardrail in front of Walmart on Wards Road. In response to Council Member Dodson's questions, City Manager Kimball Payne stated that part-time employees were included in the recent wage increase.

// On motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Dodson, Gillette, Helgeson, Seiffert, Hutcherson 5

Noes: 0

Absent: Foster, Johnson 2

// Council Member Johnson arrived at 4:48 p.m. during the closed meeting.

// The meeting was re-opened to the public.

// Mayor Hutcherson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Seiffert, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

// In the matter of Appointments, and on nomination of Council Member Dodson, Council by the following recorded vote appointed Council Member Ceasor Johnson to serve on the Youth Services Citizens Board for a term to expire June 30, 2007:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Dodson, Council by the following recorded vote appointed Vice Mayor Joan Foster to fill an unexpired term on the Region 2000 Regional Commission ending June 30, 2006:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Dodson, Council by the following recorded vote appointed Council Member Michael Gillette, Chair, and Council Member Jeff Helgeson, Vice Chair, to fill unexpired terms on

the Community Development Advisory Committee ending December 31, 2004:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Dodson, Council by the following recorded vote appointed Council Member Michael Gillette to serve on the Local Emergency Planning Committee for an indefinite term:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Dodson, Council by the following recorded vote appointed Council Members Ceasor Johnson and Michael Gillette to fill unexpired terms on the Lynchburg Community Action Board ending December 31, 2004:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Dodson, Council by the following recorded vote appointed Vice Mayor Joan Foster to serve on the Metropolitan Planning Organization for a term to expire June 30, 2007:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

Mayor Hutcherson, with the consensus of City Council, appointed Council Member Joseph Seiffert to fill an unexpired term on the Audit Division ending October 31, 2004:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Dodson, Council by the following recorded vote appointed Mayor Carl B. Hutcherson, Jr., to serve on the Virginia's First Cities Policy Group for an indefinite term:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

On nomination of Council Member Dodson, Council by the following recorded vote appointed Council Member Jeff Helgeson to serve on the Regional Sewage Treatment Plant Board for a term to expire June 30, 2007:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

// The meeting was adjourned at 4:59 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of July, 2004, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Seiffert gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Absent: Foster 1

// Copies of the minutes of the June 17, June 22 (two meetings), June 30, and July 1, 2004 meetings, having been previously furnished Council, reading was dispensed with. Council Member Helgeson asked to abstain since he was not present at some of the meetings. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Gillette, Johnson, Seiffert, Hutcherson 5

Noes: 0

Absent: Foster 1

Abstention: Helgeson 1

// In the matter of Police - General, City Council Report #2 was considered. On motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote adopted Resolution #R-04-075, as presented, authorizing the City Manager to execute and file on behalf of the City a Homeland Security Grant application:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

// In the matter of Community Planning - General, City Council Report #3 was considered. On motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote adopted Resolution #R-04-076, as presented, indicating the City's commitment to the preservation of its heritage assets in support of the Preserve America Communities 2003/2004 Application:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

// In the matter of Central VA Mental Health, City Council Report #4 regarding approving the Central Virginia Community Services FY2005 Performance Contract was considered. Council Member Gillette stated that he has a contractual relationship with the Board and would therefore abstain from participating in and voting on this item. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-077, as presented, approving the Central Virginia Community Services FY2005 Performance Contract:

Ayes: Dodson, Helgeson, Johnson, Seiffert, Hutcherson 5

Noes: 0

Absent: Foster 1

Abstention: Gillette 1

// In the matter of Central VA Mental Health, City Council Report #5 regarding approving the Central Virginia Community Services Board request to borrow \$385,000 to purchase the Bedford Group Home from Lynchburg Covenant Fellowship was considered. Council Member Gillette reiterated that he has a contractual relationship with the Board and would therefore abstain from participating in and voting on this item. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-04-078, as presented, approving the Central Virginia Community Services Board request to borrow \$385,000 to purchase the Bedford Group Home from Lynchburg Covenant Fellowship:

Ayes: Dodson, Helgeson, Johnson, Seiffert, Hutcherson	5
Noes:	0
Absent: Foster	1
Abstention: Gillette	1

// In the matter of City Cemetery, City Council Report #6 was considered. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-04-079, as presented, approving the construction of a Chapel and Columbarium in the Old City Cemetery:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of City Code, City Council Report #7 was considered. On motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote adopted Ordinance #0-04-080, as presented, amending Section 36-189 of the City Code which imposes a local recordation tax on instruments that are recorded in the Circuit Court Clerk's Office:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of IDA, a public hearing was held regarding City Council Report #8 regarding the transfer of City-owned property at 1225, 1301 and 1307 Main Street to the Industrial Development Authority for the City Market Lofts Project. City Manager Kimball Payne outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-04-081, as presented, transferring the City-owned property at 1225, 1301 and 1307 Main Street to the Industrial Development Authority for the City Market Lofts Project:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of IDA, a public hearing was held regarding City Council Report #9 regarding the transfer of approximately 7.762 acres of City-owned property on Graves Mill Road to the Industrial Development

Authority for economic development purposes. City Manager Kimball Payne outlined the request. There was no one else present who wished to speak to this item. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-082, as presented, transferring approximately 7.762 acres of City-owned property on Graves Mill Road to the Industrial Development Authority for economic development purposes:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of Public Works - General, a public hearing was held to consider two alternative road alignments with regard to the design of the Breezewood Drive Extension Project. City Traffic Engineer Gerry Harter provided a history of the project and an overview of both alternative road alignments stating that staff is recommending Alternative 3. Mr. Harter went on to say that almost all of the stakeholders support Alternative 3 and that Heritage Baptist Church was the only stakeholder to prefer Alternative 1. An attorney representing the owners of property affected by the road alignment stated that his clients are in support of Alternative 3 because it would be the safest and most direct route to Rt. 221. Two other individuals spoke in support of the project moving forward as quickly as possible to help alleviate current traffic congestion and open up new areas for commercial development. Heritage Baptist Church Pastor Jerry Kroll stated that the Church's Master Plan was developed based on information from the City showing that the road would follow Alternative 1 and asked that City Council support that alternative. Rev. Kroll went on to say that the Church would lose 4 ½ to 5 acres of land with Alternative 3 and that the alternative would locate the road between a future parking lot and the church thereby causing safety concerns for church attendees who would have to cross traffic from the parking lot to the church. Rev. Kroll also noted that Alternative 1 would protect the street and prevent commercial encroachment into the neighborhood. One adjoining property owner expressed concern regarding the additional traffic and noise from the new road and questioned if traffic and noise barriers would be installed since his property would be located next to the new road. There was no one else present who wished to speak to this item and the public hearing was closed. City Manager Kimball Payne stated that he heard for the first time Pastor Kroll's comment regarding the effect of the road alignment on commercial development and questioned if City Council might want to defer this item to the August work session for further review. City Council agreed to defer this item to the August 10 work session.

// In the matter of Public Works – Street Vacations, a public hearing was held regarding City Council Report #11 regarding adoption of an Ordinance vacating Bush Street and a portion of Keel Street. Mr. Thomas B. Brooks, of Acres of Virginia, Inc., representing the petitioner, outlined the request. There was no one else present who wished to speak to this item and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #O-04-083, as presented, vacating Bush Street and a portion of Keel Street:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #12 outlining the petition of Home Depot Inc. for a Conditional Use Permit at 1200 Graves Mill Road to allow the placement of fill material within a 100 Year Flood Plain. Mr. Tim Wagner, Wiley & Wilson, representing the petitioner, outlined the request and asked for approval. Mr. Louis Robertson, Facilities Manager for Areva, stated that although his company is not opposed to the location of a Home Depot at this site, they are concerned regarding the impact that the increased traffic would have at this already heavily-used intersection and asked that the City accelerate the planned Old Graves Mill Road project. There was no one else present who wished to speak to this item and the public hearing was closed. City Manager Kimball Payne provided a status report regarding the Old Graves Mill Road project and stated that some short term improvements are being planned for the intersection. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-084, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #13 outlining the petition of Donald C. Rapp, Inc. for a Conditional Use Permit to allow a Planned Unit Development at 101 Palmer Drive in R-1, Single-Family Residential District. Mr. Thomas Brooks, Sr., ACRES of Virginia, Inc., along with Mr. Donald C. Rapp outlined the request and asked for approval. Mr. Brooks stated that Mr. Rapp has agreed to reduce the number of lots from 18 to 16 in addition to agreeing to a number of conditions to address some of the neighborhood's concerns. One individual spoke in support of the project. City Planner Tom Martin stated that if City Council chose to approve the petition that the conditions agreed to by the petitioner should be added as a condition to the conditional use permit. Two individuals spoke and presented a petition signed by twenty individuals who owned property in the area voicing opposition to the petition citing concerns regarding increased traffic to the existing neighborhood, that the proposed lot sizes in this development would create densities that are out of character with the area, and a potential decrease in existing property values. There was no one else present who wished to speak to this item and the public hearing was closed. Some Council Members felt that the petitioner had responded to most of the neighborhood's concerns with the added conditions and the reduction in homes from 18 to 16, while other Council Members expressed concerns regarding the drastic increase in population density that the Planned Unit Development would bring to this area and also that this type of development would change the style of the adjoining residential neighborhood. Council Member Helgeson made a motion, seconded by Council Member Seiffert, to approve the Conditional Use Permit with the added conditions submitted by the petitioner, and the motion failed by the following recorded vote:

Ayes: Helgeson, Seiffert, Hutcherson	3
Noes: Dodson, Gillette, Johnson	3
Absent: Foster	1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #14 outlining the petition of Bountiful Blessings Church for a Conditional Use Permit to operate a child care facility in an existing church located at 2805 Langhorne Road in an R-3, Two-Family Residential District. City Planner Tom Martin provided an overview regarding the petition. Pastor Irvin Ward outlined the request and asked for approval. There was no one else present who wished to speak to this item and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-085, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #15 outlining the petition of Lynchburg Church of the Nazarene for a Conditional Use Permit at 1737, 1745 & 1747 Wards Ferry Road to obtain approval for a master development plan that would allow the construction of a sanctuary, school, assisted living facility, church related residences and recreation fields in R-2, Single-Family Residential District (Conditional), R-3, Two-Family Residential District (Conditional) and R-3, Two-Family Residential District. City Planner Tom Martin provided an overview regarding the petition. Mr. Matt Davis, McKnight Group, representing the petitioner, along with Pastor Joe Kilgore and Senior Pastor Stephen Wills outlined the request and asked for approval. Two individuals spoke in opposition to the long-term plans outlined in the Church's Master Plan and also expressed concerns regarding the increased traffic along Wards Ferry Road. There was no one else present who wished to speak to this item and the public hearing was closed. In response to Council questioning, City Manager Kimball Payne stated that Phase I, which includes the multi-purpose building and additional parking, is the only request before City Council and that any future projects would have to go through the normal zoning process. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-086, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #16 outlining the petition of Kenneth & Valerie Braxton to rezone approximately 1.85 acres at 1042 Florida Avenue from R-3, Two-Family Residential District to B-2, Local Neighborhood Business District (Conditional) to allow the use of an existing structure as a restaurant. City Planner Tom Martin provided an overview regarding the petition and asked that the additional proffers submitted by the petitioners be incorporated into the ordinance. Valerie Braxton outlined the request and asked for approval. There was no one else present who wished to speak to this item and the public hearing was

closed. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-04-087, as revised to incorporate the additional proffers, granting the petition:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #17 outlining the petition of Quarles Fuel Network to rezone approximately 2.2 acres at 3100 Mayflower Drive and Odd Fellows Road from I-2, Light Industrial District, and I-3, Heavy Industrial District to I-3, Heavy Industrial District (Conditional) and for a Conditional Use Permit to operate an automated fuelling facility. City Planner Tom Martin provided an overview regarding the petition. Ms. Tracey Norvell, with Hurt and Proffitt, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item and the public hearing was closed. In response to Council questioning, City Attorney Walter Erwin stated that the Conditional Use Permit could be revised to require the petitioner to install any warning signs or lights that the City's Traffic Engineer determines are necessary at the entrances/exits to promote traffic safety. On motion of Council Member Seiffert, seconded by Council Member Dodson, Council by the following recorded vote adopted Ordinance #0-04-088, as presented, granting the rezoning petition, and adopted Resolution #R-04-089, as revised to require the petitioner to install any warning signs or lights that the City's Traffic Engineer determines are necessary at the entrances/exits to promote traffic safety, granting the Conditional Use Permit:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// In the matter of Community Planning – Zoning Amendments, a public hearing was held regarding City Council Report #18 regarding rezoning the Garland Hill Historic District from R-3, Two-Family Residential District, to R-2, Single-Family Residential District. City Planner Tom Martin provided an overview regarding the petition. Mrs. Frances Calhoun, representing the Garland Hill Neighborhood Association, outlined the request and asked for approval. There was no one else present who wished to speak to this item and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #O-04-090, as presented, rezoning the Garland Hill Historic District from R-3, Two-Family Residential District, to R-2, Single-Family Residential District:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	6
Noes:	0
Absent: Foster	1

// City Planner Tom Martin stated that City Council failed to take two separate votes on the petition of Quarles Fuel Network to rezone approximately 2.2 acres at 3100 Mayflower Drive and Odd Fellows Road

from I-2, Light Industrial District, and I-3, Heavy Industrial District to I-3, Heavy Industrial District (Conditional) and for a Conditional Use Permit to operate an automated fuelling facility. In response to Council questioning, City Attorney Walter Erwin stated that City Council would have to vote to rescind its original motion before taking further action regarding the petition. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote rescinded its original motion to adopt Ordinance #0-04-088 granting the rezoning petition and Resolution #R-04-089 granting the Conditional Use Permit:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-04-088, as presented, granting the rezoning petition:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-04-089, as revised to require the petitioner to install any warning signs or lights that the City's Traffic Engineer determines are necessary at the entrances/exits to promote traffic safety, granting the Conditional Use Permit:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Foster 1

// In the matter of City Code/Community Planning - General, a public hearing was held regarding City Council Report #19 regarding amending Section 35.1-11.4 and Section 35.1-54 of the City Code to allow 12 children as a use permitted by right in care centers as is consistent with the Code of Virginia. City Planner Tom Martin provided an overview regarding the proposed changes and explained that child care facilities with six or more children were required to be licensed by the State of Virginia and that these facilities were regularly checked by the State Division of Licensing. There was no one else present who wished to speak to this item and the public hearing was closed. Some Council Members expressed concern regarding the impact this change would have on a residential neighborhood, i.e., increased traffic, and that adjoining property owners would not have an opportunity to comment. City Council agreed to defer this item to the September work session to allow staff time to provide additional information regarding home occupations in residential neighborhoods.

// In the matter of City Code, City Council Report #20 was considered. On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted

July 13, 2004

249

Ordinance #0-04-091, as presented, amending Section 36-171 of the City Code relating to the administrative fee to be charged by the City when collecting delinquent taxes and other charges:

Ayes: Dodson, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

6

Noes:

0

Absent: Foster

1

// The meeting was recessed at 10:36 P.M. to August 10, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council